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## A BILL FOR AN ACT

MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS  
OFFICERS, OR ITS EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2014-2015 are appropriated out of the general revenues of the State of Hawaii to the department of the attorney general for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, and entities, for claims against the State or its officers or employees for the overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amounts set forth opposite their names:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
American Civil Liberties Union of Hawaii and Pamela G. Lichty v. Dean H. Seki, Civil No. 14-00150 JMS-RLP, USDC	\$ 12,401.00 Settlement
SUBTOTAL:	\$ 12,401.00

## 2. DEPARTMENT OF THE ATTORNEY GENERAL:

Fotoudis v. City and County of Honolulu, \$ 7,250.00  
et al., Civil No. 14-00333, USDC Settlement

SUBTOTAL \$ 7,250.00

## 3. DEPARTMENT OF EDUCATION:

Lee-Vith, et al. v. Department of Education, \$ 13,500.00  
et al., Civil No. 12-1-2443-09, First Circuit Settlement

SUBTOTAL: \$ 13,500.00

## 4. HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND:

In the Matter of Dr. Morton Cotlar \$ 30,589.00  
Case No. 2014-001 Settlement

SUBTOTAL: \$ 30,589.00

## 5. DEPARTMENT OF HUMAN SERVICES:

Costales v. Rosete, et al. \$ 462,594.00  
Civil No. 07-1-2360-12, First Circuit Settlement

SUBTOTAL: \$ 462,594.00

## 6. DEPARTMENT OF LAND AND NATURAL RESOURCES:

Tort Claim of Lisa M. Shamis \$ 45,000.00  
Settlement

SUBTOTAL: \$ 45,000.00

## 7. DEPARTMENT OF PUBLIC SAFETY:

Slingluff v. State of Hawaii, et al.	\$1,036,395.94
Civil No. 06-1-1654-09, First Circuit	Judgment

Waiolama, et al. v. State of Hawaii, et al.	\$ 69,094.33
Civil No. 09-1-0679-03, First Circuit	Judgment

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SUBTOTAL:	\$1,105,490.27
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## 8. MISCELLANEOUS CLAIMS:

Raedriona A. Kealoha	\$ 51.12
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Korean Airlines Co., Ltd.	\$ 2,177.50
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Thomas K. Nagano	\$ 199.80
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SUBTOTAL:	\$ 2,428.42
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Total (SECTION 1):	\$1,679,252.69
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The sums appropriated shall be expended by the department of the attorney general for the purposes of this Act.

## PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2014-2015 are appropriated out of the state highway fund for the purpose of satisfying claims for legislative relief as to the following named persons, for claims against the State or its officers or employees for payments of

1 judgments or settlements, or other liabilities, in the amount

2 set forth opposite their names:

3 JUDGMENTS AGAINST THE STATE AMOUNT  
4 AND SETTLEMENTS OF CLAIMS:

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6 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

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8 Higa v. State of Hawaii, et al. \$ 72,000.00  
9 Civil No. 14-1-0751 ECN, First Circuit Settlement

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12 SUBTOTAL: \$ 72,000.00

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14 TOTAL (SECTION 2) \$ 72,000.00

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16 The sums appropriated shall be expended by the department

17 of transportation, highways division, for the purposes of this

18 Act.

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### PART III

20 SECTION 3. The following sums or so much thereof as may be

21 necessary for fiscal year 2014-2015 are appropriated out of the

22 state harbor fund for the purpose of satisfying claims for

23 legislative relief as to the following named persons, for claims

24 against the State or its officers or employees for payments of

25 judgments or settlements, or other liabilities, in the amount

26 set forth opposite their names:

27 JUDGMENTS AGAINST THE STATE AMOUNT  
28 AND SETTLEMENTS OF CLAIMS:

ATG-01(15)

1  
2 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:

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4	Barnard v. State of Hawaii, et al.	\$ 93,734.77
5	Civil No. 12-1-2924-11, First Circuit	Settlement
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8	SUBTOTAL:	\$ 93,734.77
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10	TOTAL (SECTION 3)	\$ 93,734.77
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12 The sums appropriated shall be expended by the department  
13 of transportation, harbors division, for the purposes of this  
14 Act.

## 15 PART IV

16 SECTION 4. The sums hereinabove may be paid to the  
17 respective persons, or for the satisfaction or settlement of the  
18 respectively identified cases, and in several amounts  
19 hereinabove set forth or in lesser amounts deemed appropriate,  
20 upon checks issued by the comptroller; provided departments  
21 shall obtain the approval of the attorney general before payment  
22 of any claim can be made.

23 SECTION 5. Notwithstanding the sums hereinabove stated as  
24 interest upon judgments against the State, payment of interest  
25 shall be limited to the period from the date of judgment, if  
26 applicable, to thirty days after the effective date of this Act,

H.B. NO. 896

1 as provided in section 662-8, Hawaii Revised Statutes, for those  
2 cases to which the statute applies.

3 SECTION 6. All unexpended and unencumbered balances of the  
4 appropriations made in this Act as of the close of business on  
5 June 30, 2016, shall lapse.

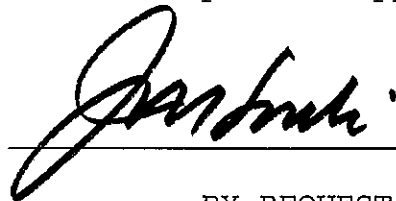
6 SECTION 7. If any provision of this Act, or the  
7 application thereof to any person or circumstance is held  
8 invalid, the invalidity does not effect other provisions or  
9 applications of the Act, which can be given effect without the  
10 invalid provision or application, and to this end the provisions  
11 of this Act are severable.

12 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:



15

BY REQUEST

JAN 26 2015

# H.B. NO. 896

**Report Title:**

Appropriations; Claims Against State

**Description:**

Makes appropriations for claims against the State, its officers, and its employees.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.

PURPOSE: Provide for the authorization and payment of claims against the State for refunds of taxes, for judgments and settlements, and for other miscellaneous payments as provided by chapters 37, 661, and 662, Hawaii Revised Statutes.

MEANS: Authorize and appropriate funds for the payment of such claims.

JUSTIFICATION: This bill serves as the vehicle by which claims against the State are transmitted to the Legislature for its consideration. The Legislature will be asked to authorize and fund the payment of such claims by an appropriation of general and special funds. Timely passage of this bill will serve to minimize interest on those amounts for which interest is accruing.

Impact on the public: There would be no direct impact on the public other than the persons whose claims are being paid.

Impact on the department and other agencies: Claims eligible for payment from a special fund will generally be charged to that special fund rather than the general fund. Certain claims will be paid from a department's appropriation as reflected in the budget bill. In such case, that department will be responsible for finding the moneys in its budget to pay for the judgments and settlements rendered against it.



The general fund appropriation included in this measure has been proposed with consideration of the statutorily defined appropriation ceiling for the Executive Branch pursuant to section 37-92, Hawaii Revised Statutes. Including appropriations made up to and including the regular session of 2014, there is still a margin of \$20,838,402 between the Executive Branch appropriation ceiling and currently authorized appropriations for fiscal year 2014-2015. However, total funding in emergency appropriation measures submitted to the Legislature will result in the appropriation ceiling for the Executive Branch to be exceeded in fiscal year 2014-2015. Because of the uncertainty in the order in which these measures will be enacted, it is being assumed that the funding requested in this measure to pay claims against the State, its Officers or its Employees, will result in the appropriation ceiling for the Executive Branch to be exceeded in fiscal year 2014-2015 by \$1,679,252.69 or .026 percent. This current declaration takes into account additional general fund appropriations authorized for fiscal year 2014-2015 in this measure only, and does not include other general fund appropriations for fiscal year 2014-2015 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2015.

GENERAL FUND: \$1,679,252.69

OTHER FUNDS: \$165,734.77

PPBS PROGRAM  
DESIGNATION: Various.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.